IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 723 OF 2007
IN
FIRST APPEAL NO. 182 OF 2004

SHRI RAMRAO V. RANE, KERIM-GOA. ... Applicant
Versus
SHRI SANJAY RANE AND ANR., ... Respondents

Mr. D. Pangam, Advocate for the Applicant.
Mr. S.G. Bhobe, Advocate for Respondent no. 1.

Coram:- N. A. BRITTO, J.

Date:- 13th December, 2007

P.C.:

Heard learned Counsel on behalf of both parties.

2. In this application, the applicant has sought for setting aside the award dated 14/05/2004 passed by the learned Additional District Judge and for remanding the matter back to the learned Reference Court.

3. There was a dispute between three parties for receipt of compensation on account of acquisition of survey no. 197/10 of Village Carapur in Bicholim Taluka. The Applicant and Respondent No.1 were two of the parties claiming the said compensation. One Rama Yesso Kotkar was the other party. The said Rama Yesso Kotkar who was shown as Respondent No. 2 before the learned reference Court had expired even before the reference was made. The Applicant nor Respondent No. 1 took any steps to bring on record the legal heirs of the said deceased Respondent No.2 i.e. the said Rama Yesso Kotkar. The Applicant claimed the entire compensation while Respondent No.1 had claimed 50% of the compensation and the learned reference Court has allowed the

claim of the Applicant. Prima facie, both the contesting parties i.e. the Applicant and Respondent No.1 herein having not taken any steps to bring on record the legal representatives of the said Respondent No.2, it would not be open for the Applicant to contend that the decree was a nullity. Prima facie, the appeal can be heard and disposed of on merits considering the respective cases of the Applicant and Respondent No.1.

Application disposed of.

N. A. BRITTO, J.

NH